

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK OF COURT
2004 OCT 18 P 2:13

U.S. DISTRICT COURT
DISTRICT OF MASS

ARTHUR MANDROS,

Plaintiff,

v.

BARLETTA ENGINEERING CORP.
and INTERNATIONAL UNION OF
OPERATING ENGINEERS,
Local 4,

Defendants

C.A. 04-11999-REK

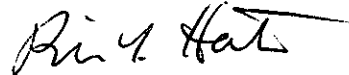
MOTION TO REMAND ACTION TO MASSACHUSETTS SUPERIOR COURT

Plaintiff moves that this Court remand this action to Norfolk Superior Court with respect to one of the Defendants, Barletta Engineering Corporation.

In filing this motion, Plaintiff recognizes that a Stipulation has been accepted by two of the parties, the Plaintiff and Defendant International Union of Operating Engineers, Local 4, in regards to a dismissal of the complaint against Defendant International Union of Operating Engineers. With regard to Defendant Barletta Engineering Corporation a remand to Massachusetts Superior Court is necessary because of lack of proper subject matter jurisdiction for Defendant Barletta Engineering Corporation in United States District Court.

This action was formerly docketed as Norfolk County Superior Court
Civil Action No. NOCV2004-01337-A.

For the Plaintiff,



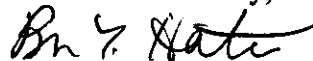
Attorney Brian T. Hatch
BBO Overseers #544044
8 North Main Street Suite 403
Attleboro, MA 02703
(508)222-6400

Dated: October 13, 2004

CERTIFICATE OF SERVICE

I, Attorney Brian T. Hatch, hereby certify that I have sent by first class mail on this date a copy of the Motion to Remand Action to Massachusetts Superior Court in the matter of Mandros v. Barletta Engineering et al. to the defendant Barletta Engineering Corporation's Counsel, Joseph P. McConnell, Morgan, Brown & Joy, LLP at One Boston Place, Boston 02108-4472.

By Plaintiff's Attorney,



Attorney Brian T. Hatch
BBO# 544044
8 North Main Street Suite 403
Attleboro, MA 02703
(508) 222-6400

Dated: October 13, 2004